

TENTATIVE RULINGS for CIVIL LAW and MOTION

August 21, 2007

Pursuant to Yolo County Local Rules, the following tentative rulings will become the order of the court unless, by 4:00 p.m. on the court day before the hearing, a party requests a hearing and notifies other counsel of the hearing. To request a hearing, you must contact the clerk of the department where the hearing is to be held. If no hearing is requested, the prevailing party must submit an order to the Court in accordance with Rule 3.1312 of the 2007 California Rules of Court. The Court does not have facilities for providing copies of the tentative rulings. However, copies will be posted at the entrance to the courtroom and on the Yolo Courts Website, at www.yolo.courts.ca.gov. If you are scheduled to appear and there is no tentative ruling in your case, you should appear as scheduled.

Telephone number for the clerk in Department Two: (530) 406-6843

TENTATIVE RULING

Case: **Reynolds v. Covell Commons Homeowners Association**
Case No. CV CV 06-523
Hearing Date: **August 21, 2007** **Department Two** **9:00 a.m.**

The evidentiary objections by Covell Commons Homeowners Association are **OVERRULED**.

Covell Commons Homeowners Association's motion for summary adjudication as to the first and second causes of action is **GRANTED**. There is no triable issue of material fact about whether the plaintiff was subjected to working conditions that were unusually aggravated or adverse such that a reasonable employee in the plaintiff's position would have been compelled to quit. The plaintiff has failed to show any conduct by the defendant that unfairly frustrated the plaintiff's right to receive any of the benefits under the 2005 contract. (Defendant's Separate Statement of Undisputed Material Facts 3, 5, 7-8, 10-12, 14, 16, 18-19, and 22-33; Exhibits A, F, H, L, N, and P to the Declaration of Lizbeth West; Exhibits 1-3 to the Declaration of Brian Barrow; Plaintiff's Depo. 46: 5-48:22; 49: 2-11; and 53: 19-54: 4.)

TENTATIVE RULING

Case: **Capital One Bank v. Valoree Bahlman**
Case No. G07-860
Hearing Date: **August 21, 2007** **Department Two** **9:00 a.m.**

Plaintiff Capital One Bank's unopposed motion for judgment on the pleadings is **GRANTED**. (Code Civ. Proc., § 438.) The Court awards plaintiff damages in the amount of \$1,159.79, consisting of the principal amount of \$920.80, and interest calculated from the date of defendant's breach of contract as alleged in the complaint, July 16, 2006, in the amount of \$238.99.

The Court **DENIES** plaintiff's request to set an amount of awardable costs at this time because defendant has not had an opportunity to move to tax or strike costs. Defendant is advised that any motion to tax or strike costs must be filed and served within 15 days of service of the notice of entry of judgment.

The Court **DENIES** plaintiff's request for attorneys' fees at this time. Contract fees cannot be awarded as part of the judgment. Rather, a noticed motion for attorney's fees must be filed after entry of judgment. (Code Civ. Proc., § 1033.5, subd.(c)(5); *Russell v. Trans Pacific Group* (1993) 19 Cal.App.4th 1717, 1725.) Additionally, plaintiff has not substantiated its request for attorneys' fees pursuant to Civil Code section 1811.1.

Plaintiff is directed to submit a new proposed order that conforms to this tentative ruling.

TENTATIVE RULING

Case: **Koff v. Jackson**
Case No. CV G06-629

Hearing Date: **August 21, 2007** **Department Two** **9:00 a.m.**

Plaintiff Cheryl Koff d/b/a G.O.N.E.'s unopposed motion for an order compelling answers to form interrogatories and requests for production is **GRANTED**. Defendants Dwight L. Jackson and Marlene A. Jackson are ordered to serve verified answers to the form interrogatories and requests for production (together with any responsive documents), without objections, within 20 days following notice of the Court's ruling.

Plaintiff's request for monetary sanctions against defendants is **GRANTED**. (Code Civ. Proc., §§ 2030.010, subd. (d), 2031.300, subd. (c), & 2023.030, subd. (a); Rule 341, Cal. Rules of Court.) Defendants are ordered to pay plaintiff \$520.00 in sanctions within 20 days of the notice of this Court's ruling.

TENTATIVE RULING

Case: **Morris v. Blazona Concrete Construction, Inc. et al.**
Case No. CV PM 06-2249

Hearing Date: **August 21, 2007** **Department Two** **9:00 a.m.**

Defendants Blazona Concrete Construction, Inc.'s and Adrian A. Garcia Ramirez' unopposed motion for an order compelling answers to requests for production is **GRANTED**. The Court notes that plaintiff Joshawa Nathan Morris asserts that he has served a complete verified response to defendants' discovery requests. The Court's ruling on this motion to compel is without prejudice to defendants' right to challenge the sufficiency of plaintiff's responses to these requests.

Defendants' request for monetary sanctions against plaintiff and his attorney, Thomas P. Connolly, is **GRANTED**. (Code Civ. Proc., § 2031.300, subd. (c) & 2023.030, subd. (a); Rule 341, Cal. Rules of Court.) Plaintiff and his attorney are ordered to pay defendants \$450.00 in sanctions within 20 days of the notice of this Court's ruling.

TENTATIVE RULING

Case: **Laddish v. Hassid**
Case No. CV PO 06-2250

Hearing Date: **August 21, 2007** **Department Two** **9:00 a.m.**

Defendant Eric Hassid, M.D.'s unopposed motion for an order compelling answers to form interrogatories, set one, special interrogatories, set one, and requests for production, set one, is

GRANTED. Plaintiff Katherine Marie Laddish is ordered to serve verified answers to the form interrogatories, special interrogatories, and requests for production (together with any responsive documents), without objections, within 20 days following notice of the Court's ruling.

Defendant's request for monetary sanctions against plaintiff is **GRANTED.** (Code Civ. Proc., §§ 2030.010, subd. (d), 2031.300, subd. (c), & 2023.030, subd. (a); Rule 341, Cal. Rules of Court.) Plaintiff is ordered to pay defendant \$617.50 in sanctions within 20 days of the notice of this Court's ruling.

TENTATIVE RULING

Case: **Andreyuk v. State of California**
 Case No. CV PM 05-1584

Hearing Date: **August 21, 2007** **Department Two** **9:00 a.m.**

Counsel for the parties are directed to appear for the hearing. No request for a hearing is required.